IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.112 OF 2006

ALONG WITH

CIVIL APPLICATION NO.128 OF 2006

M/s.Hemchand & Co. ...Appellant

Versus

Mumbai Metropolitan Regional

Development Authority & Anr. ...Respondents

.....

Mr.M.M.Vashi for Appellant.

Mr.R.M.Savant for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 15, 2006.

P.C.

1. Heard Counsel for the parties.

2. Admit. Mr.Savant waives notice for Respondents.

3. This Appeal questions the correctness and propriety of the order dated February 6, 2006

passed in Notice of Motion No.505 of 2006 in Suit No.552 of 2006. It is not necessary to advert to the events that led to the filing of the Suit. Suffice it to observe that the Appellant has challenged the proposed action of the Respondents with regard to the suit structure. The Appellant moved the Trial Court for ad-interim relief.

4. In the impugned Judgment, it is observed that the Notice of motion is adjourned to 10th March 2006, then it is noted that in the meantime, no interim order can be passed. The reason for adjourning the Notice of Motion even for the purpose of ad-interim as mentioned in the impugned Order is that the Appellant was relying on certain documents annexed to the Plaint which are in Gujrati script and translation thereof was not provided to the Court. That is the only consideration which weighed with the Court below to adjourn the Notice of Motion as also not to grant any ad-interim relief in the meantime. Several contentions have been raised before this Court. In my opinion, the appropriate course in the fact situation of the present case is to relegate the

parties before the Trial Court who in turn is directed to decide the prayer for ad-interim relief afresh on its own merits in accordance with law. All questions in that behalf are left open.

5. It will be open to the parties to exchange pleadings or produce documents as may be advised even for the purpose of consideration of ad-interim relief.

6. This appeal is disposed of on the above terms directing the parties to maintain status-quo with regard to the suit property for a period of two weeks from today to enable the parties to approach the Trial Court for the purposes of ad-interim relief.

A.M.KHANWILKAR, J.